THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 1438 of 2006

Dated: 24-03-2006

Between:

N. Venkatadri

..... PETITIONER

AND

Commissioner, Endowments Department,
Hyderabad and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 1438 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the inaction on the part of the respondents in taking steps for sale of the land to an extent of Ac.4.96 cents situated in Survey No.244 of Muthyalareddypalli Village, Chittoor District, belonging to the third respondent-Mutt, is arbitrary and illegal.

I have heard the learned counsel for both the parties and perused the material on record.

Admittedly the petitioner is a cultivating tenant of the land situated in Sy.No.244 of Muthyalareddypalli Village belonging to the third respondent-Mutt. After the Andhra Pradesh Charitable andHindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (hereinafter referred to as 'the Rules') were framed under G.O.Ms.No.379, dated 11-03-2003, under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 30 of 1987 (hereinafter referred to as 'the Act'), the petitioner made an application before the second respondent-Assistant Commissioner of Endowments, Chittoor, seeking a declaration that he is a landless poor. The second respondent-Assistant Commissioner of Endowments, having made a detailed enquiry and having found that the petitioner is in possession of Ac.5.00 of land out of Ac.12.38 cents covered

by Survey No.244 situated at Muthyalareddypalli Village, Tirupati Urban, by proceedings dated 07-05-2004, declared him as landless poor. It was also declared that the petitioner is entitled to purchase the land as stipulated under Section 82 of the Act. It is not in dispute that pursuant to the said declaration made by the second respondent, the third respondent issued a notice dated 29-05-2004 in Form No.II under Rule 5 (2) of the Rules calling upon the petitioner to exercise his option either to purchase the total land or a portion of the land to an extent of Ac.4.96 cents. The petitioner states that in response to the said notice dated 29-05-2004, within the time specified, the petitioner informed the third respondent that he is willing to purchase the land in question as per the norms prescribed under Section 82 of the Act. The grievance of the petitioner is that in spite of the option exercised by him, the respondents failed to take further steps to sell the land in his favour. Hence, this writ petition.

The language of Section 82 (2) of the Act read with Rules 5 and 6 of the Rules framed under G.O.Ms.No.379 dated 11-03-2003 makes it clear that once the cultivating tenant is declared as the landless poor person and if he is in continuous possession of the land for not less than six years, such person shall have the right to purchase the land for a consideration of 75% of the prevailing market value.

In the case on hand, the notice dated 29-05-2004 issued by the third respondent shows that the third respondent in terms of the said statutory provisions has called upon the petitioner to exercise the option to purchase the land in question. Since the petitioner has already expressed his willingness to purchase the said land by letter dated 12-06-2004, there is no justifiable reason on the part of the respondents in not considering the said request

and keeping the matter pending for the past more than a year. The only objection raised by the third respondent in its counter appears to be that certain disciplinary proceedings are pending against the petitioner. Even assuming that any such proceedings are pending, the respondents ought to have considered the wiliness expressed by the petitioner and ought to have passed appropriate orders in accordance with law.

In the circumstances and keeping in view the statutory provisions, the writ petition is disposed of with a direction to the respondents to take appropriate action in pursuance of the willingness expressed by the petitioner vide his letter dated 12-06-2004 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

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G.ROHINI,J

Dated: 24-03-2006
klp/ghn